

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

The Applicants wish to draw the Examiner's attention to the Applicants' related co-pending applications and issued patents (see revised Appendix A) directed to nanoparticles and methods of preparation and use thereof.

Claims 433-461 were pending in this application. The Applicants note that the Examiner had allowed claims 449-461 and found claims 434-436 and 444-446 to be allowable if placed into independent claim format. In order to expedite the allowance of the application, the Applicants cancelled claims 434 and 444 and amended claims 433 and 439 to include the subject matter of cancelled claims 434 and 444, respectively. The Applicants also amended claims 435 and 445 to change the dependencies. The Applicants respectfully submit that amendment of the claims do not constitute new matter.

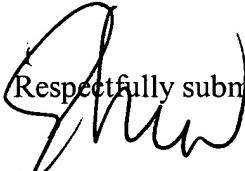
Turning to the office action, claims 433, 437-443, 447, and 448 stand rejected under 35 U.S.C. section 102(e) as being anticipated by Yguerabide (U.S. Patent No. 6,214,560) ("Yguerabide"). The Applicants respectfully traverse this rejection and submit, without commenting on the merits or lack thereof of the rejection, that the rejection is moot in light of the present amendment. Withdrawal of the rejection is in order and is respectfully requested.

In conclusion, the Applicants respectfully submit that the claims in this application are in allowable condition and request a Notice to this effect.

Reconsideration of this application is respectfully requested and a favorable determination is earnestly solicited. The Examiner is invited to contact the undersigned representative if the Examiner believes that this would be helpful in expediting the prosecution of this application.

Dated: March 3, 2004

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Respectfully submitted,

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APPENDIX A

ATTY Case No.	Serial No./ Filing Date	Inventors>Title	Status
00-653-A	U.S. 09/927,777 Filed 8/10/01	Mirkin, Letsinger, Mucic, Storhoff, Elghanian, Taton, Garamella, Li, Park/ NANOPARTICLES HAVING OLIGONUCLEOTI DES ATTACHED THERETO AND USES THEREFORE	ALLOWED
00-713-B1	09/923,625 Filed 8/7/01	Mirkin, Letsinger, Mucic, Storhoff, Elghanian/ NANOPARTICLES HAVING OLIGONUCLEOTI DES ATTACHED THERETO AND USES THEREFOR	ALLOWED
00-713-C	09/344,667, filed 6/25/99	Mirkin, Letsinger, Mucic, Storhoff, Elghanian/ NANOPARTICLES HAVING OLIGONUCLEOTI DES ATTACHED THERETO AND USES THEREFORE	U.S. Patent No. 6,361,944, issued 3/26/02
00-713-I	U.S.S.N 09/603,830 Filed 6/26/00	Mirkin, Letsinger, Mucic, Storhoff, Elghanian, Taton; NANOPARTICLES HAVING OLIGONUCLEOTI DES ATTACHED THERETO AND USES THEREFOR	U.S. Patent No. 6,506,564, issued 1/14/03
00-713-I-1	09/961,949 9/20/01	Mirkin, Letsinger, Mucic, Storhoff, Elghanian, Taton;	U.S. Patent No. 6,582,921, issued June 24, 2003

ATTY Case No.	Serial No./ Filing Date	Inventors>Title	Status
		NANOPARTICLES HAVING OLIGONUCLEOTI DES ATTACHED THERETO AND USES THEREFOR	
00-713-I-2	09/957,318 9/20/01	See 00-713-I-1	ALLOWED
00-713-I-3	09/957,313 9/20/01	See 00-713-I-1	U.S. Patent No. 6,645,721, issued 11/11/03
00-713-I-4	09/966,491 9/28/01	See 00-713-I-1	U.S. Patent No. 6,610,491, issued August 26, 2003
00-713-I-5	09/966,312 9/28/01	See 00-713-I-1	U.S. Patent No. 6,673,548, issued January 6, 2004
00-713-I-6	09/967,409 9/28/01	See 00-713-I-1	ALLOWED
00-713-I-7	09/974,500 10/10/01	See 00-713-I-1	ALLOWED
00-713-I-8	09/974,007 10/10/01	See 00-713-I-1	PENDING
00-713-I-9	09/973,638 10/10/01	See 00-713-I-1	PENDING
00-713-I-10	09/973,788 10/10/01	See 00-713-I-1	ALLOWED
00-713-I-11	09/975,062 10/11/01	See 00-713-I-1	U.S. Patent No. 6,677,122, issued January 13, 2004
00-713-I-12	09/975,376 10/11/01	See 00-713-I-1	PENDING
00-713-I-13	09/975,384 10/11/01	See 00-713-I-1	PENDING

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00-713-I-14	09/975,498 10/11/01	See 00-713-I-1	ALLOWED
00-713-I-15	09/975,059 11/11/01	See 00-713-I-1	ALLOWED
00-713-I-16	09/976,601 10/12/01	See 00-713-I-1	PENDING
00-713-I-17	09/976,968 10/12/01	See 00-713-I-1	PENDING
00-713-I-18	09/976,971 10/12/01	See 00-713-I-1	U.S. Patent No. 6,682,895, issued 1/27/04
00-713-I-19	09/976,863 10/12/01	See 00-713-I-1	PENDING
00-713-I-20	09/976,577 10/12/01	See 00-713-I-1	ALLOWED
00-713-I-21	09/976,618 10/12/01	See 00-713-I-1	ALLOWED
00-713-I-22	09/981,344 10/15/01	See 00-713-I-1	ALLOWED
00-713-I-23	09/976,900 10/12/01	See 00-713-I-1	PENDING
00-713-I-24	09/976,617 10/12/01	See 00-713-I-1	ALLOWED
00-713-I-25	09/976,378 10/12/01	See 00-713-I-1	PENDING
00-713-i-26	10/410,324 04/10/03	See 00-713-I-1	PENDING
00-713-L	U.S.S.N. 09/693,005 Filed 10/20/00	Mirkin, Letsinger, Mucic, Storhoff, Elghanian/ NANOPARTICLES HAVING OLIGONUCLEOTI	U.S. Patent No. 6,495,324, issued 12/17/02

ATTY Case No.	Serial No./ Filing Date	Inventors>Title	Status
		DES ATTACHED THERETO AND USES THEREFORE	
00-713-M	U.S.S.N. 09/693,352 Filed 10/20/00	Mirkin, Letsinger, Mucic, Storhoff, Elghanian/ NANOPARTICLES HAVING OLIGONUCLEOTI DES ATTACHED THERETO AND USES THEREFORE	U.S. Patent No. 6,417,340, issued 7/9/02
00-714-G	U.S. 09/830,620 Filed 8/15/01	Mirkin, Nguyen/ NANOPARTICLES WITH POLYMER SHELLS	PENDING
00-715-A	U.S. 09/760,500 Filed 1/12/01	Mirkin, Letsinger, Mucic, Storhoff, Elghanian, Taton; Garamella, Li/ METHOD OF ATTACHING OLIGONUCLEOTI DES TO NANOPARTICLES AND PRODUCTS PRODUCED THEREBY	ALLOWED
00-1085-A	U.S.S.N. 09/820,279 Filed 3/28/01	Mirkin, Letsinger, etc./ METHOD AND MATERIALS FOR ASSAYING BIOLOGICAL MATERIALS	ALLOWED
00-1085-G	U.S.S.N. 10/640,618 Filed 8/13/03	Mirkin, Letsinger, etc./ METHOD AND MATERIALS FOR ASSAYING BIOLOGICAL MATERIALS	
00-1086-A	U.S. 09/903,461 Filed 7/11/01	Letsinger, Garamella/ METHOD OF DETECTION BY ENHANCEMENT	U.S. Patent No. 6,602,669, Filed 8/5/03

ATTY Case No.	Serial No./ Filing Date	Inventors>Title	Status
		OF SILVER STAINING	
00-1272-C	U.S.S.N. 10/008,978 Filed 12/7/01	Mirkin, Letsinger, Mucic, Storhoff, Elghanian, Taton, Grimella, Li, Park, Lu/ NANOPARTICLES HAVING OLIGONUCLEOTI DES ATTACHED THERETO AND USES THEREOF	PENDING
01-565-A	USSN 10/125,194 Filed 4/18/02	Mirkin, Nguyen, Watson, Park/ OLIGONUCLEOTI DE-MODIFIED ROMP POLYMERS AND CO- POLYMERS	PENDING
01-599-A	U.S.S.N. 10/291,291 Filed 11/08/02	Storhoff/NOVEL THIOL-BASED METHOD FOR ATTACHING OLIGONUCLEOTI DES TO NANOPARTICLES	PENDING
01-661-A	U.S.S.N. 10/034,451 Filed 12/28/01	Mirkin, Cao, Jin/ DNA-MODIFIED CORE-SHELL AG/AU NANOCRYSTALS	PENDING
01-661-C	U.S.S.N. 10/153,483 Filed 5/22/02	Mirkin, Cao, Jin/ DNA-MODIFIED CORE-SHELL AG/AU NANOCRYSTALS	PENDING
01-661-E	U.S.S.N. 10/397,579 3/26/03	Mirkin, Cao, Jin/ DNA-MODIFIED CORE-SHELL AG/AU NANOCRYSTALS	PENDING
01-1565-A	U.S.S.N. 10/266,983	Park, Taton, Mirkin/ARRAY-	PENDING

ATTY Case No.	Serial No./ Filing Date	Inventors>Title	Status
	Filed 10/08/02	BASED ELECTRICAL DETECTION OF DNA USING NANOPARTICLE PROBES	
01-1633-A	U.S.S.N. 10/266,983 Filed 10/8/02	Park, Taton, Mirkin/NANOPARI CLES HAVING OLIGONUCLEOTI DES ATTACHED THERETO AND USES THEREFOR	PENDING
01-1705-A	U.S.S.N. 10/108,211 Filed 3/27/02	Nam, Park, Mirkin/BIO- BARCODES BASED ON OLIGONUCLEOTI DE-MODIFIED NANOPARTICLES	PENDING
02-338-B	USSN 10/172,428 Filed 6/14/02	Cao, Jin, Nam, Mirkin/MULTICHA NNEL DETECTION USING NANOPARTICLE PROBES WITH RAMAN SPECTROSCOPIC FINGERPRINTS	PENDING
02-338-C	10/431,341 5/7/03	Cao, Jin, Nam, Mirkin/MULTICHA NNEL DETECTION USING NANOPARTICLE PROBES WITH RAMAN SPECTROSCOPIC FINGERPRINTS	PENDING